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II

110TH CONGRESS
1ST SESSION

S. 1337

To amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

IN THE SENATE OF THE UNITED STATES

MAY 8, 2007

Mr. KERRY (for himself, Mr. SMITH, Mr. KENNEDY, and Mr. DOMENICI) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XXI of the Social Security Act to provide for equal coverage of mental health services under the State Children's Health Insurance Program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Children's Mental
5 Health Parity Act".

6 **SEC. 2. PARITY FOR MENTAL HEALTH SERVICES IN SCHIP.**

7 (a) ASSURANCE OF PARITY.—Section 2103(c) of the
8 Social Security Act (42 U.S.C. 1397cc(c)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4), the following:

“(5) MENTAL HEALTH SERVICES PARITY.—

“(A) IN GENERAL.—In the case of a State child health plan that provides both medical and surgical benefits and mental health or substance abuse benefits, such plan shall ensure that the financial requirements and treatment limitations applicable to such mental health or substance abuse benefits are no more restrictive than the financial requirements and treatment limitations applied to substantially all medical and surgical benefits covered by the plan.

“(B) DEEMED COMPLIANCE.—To the extent that a State child health plan includes coverage with respect to an individual described in section 1905(a)(4)(B) and covered under the State plan under section 1902(a)(10)(A) of the services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with sec-

1 tion 1902(a)(43), such plan shall be deemed to
2 satisfy the requirements of subparagraph (A).”.

3 (b) CONFORMING AMENDMENTS.—Section 2103 of
4 such Act (42 U.S.C. 1397ee) is amended—

5 (1) in subsection (a), in the matter preceding
6 paragraph (1), by striking “subsection (c)(5)” and
7 inserting “paragraphs (5) and (6) of subsection (c)”;
8 and

9 (2) in subsection (c)(2), by striking subpara-
10 graph (B) and redesignating subparagraphs (C) and
11 (D) as subparagraphs (B) and (C), respectively.

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section take effect on October 1, 2007.

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